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Attorneys for Secured Creditor,  
Pacific State Bank

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF CALIFORNIA  
SACRAMENTO DIVISION

In re:	)	Case No. 09-26366-A-7
	)	
SUSAN MAZZERA,	)	DC No. JEG-1
	)	
	)	Date: May 10, 2010
Debtor.	)	Time: 9:00 a.m.
	)	Dept: A, 7 <sup>th</sup> Floor, Courtroom 28

PACIFIC STATE BANK'S MOTION FOR RELIEF  
FROM THE AUTOMATIC STAY

TO THE HONORABLE MICHAEL S. McMANUS, UNITED STATES BANKRUPTCY  
JUDGE:

1. Secured creditor and moving party, Pacific State Bank ("Bank"), moves for relief from this Court's automatic stay for cause as the debtor and co-borrower Ron Sette are 19 months in arrears on their payments to the Bank. The Bank moves to conclude the foreclosure proceedings in connection with the debtor's real property.

2. The debtor owns a 41.8% interest in real property located at 1218 Jackson Gate Road, Jackson, Amador County, California (the "Property"). Prior to the conversion of this case from Chapter 11 to Chapter 7 by order entered June 23, 2009, the debtor operated Buscaglia's Restaurant at the Property.

3. The owner of the 58.2% interest in the Property is 2988 Pacific which filed a chapter 7 bankruptcy on March 9, 2010, case no. 10-25707-C-7.

Motion

1           4.     On or about January 10, 2007, the debtor and Ron Sette, for valuable  
2 consideration, executed a promissory note ("Note") in favor of the Bank in the amount  
3 \$694,000.00 (See Exhibit "A").  
4

5           5.     Securing the obligation to the Bank is a first deed of trust dated January  
6 10, 2007 and recorded February 1, 2007 in the Office of the Amador County Recorder,  
7 Document No. 2007-0001178 (See Exhibit "B").  
8

9           6.     As of April 5, 2010, the payoff amount owing the Bank was \$810,031.30,  
10 consisting of (a) \$710,776.13 principal, (b) \$88,672.40 accrued interest, (c) late charges of  
11 \$6,560.62 and (d) foreclosure fees of \$4,022.15. Interest is accruing at the daily rate of \$162.89  
12 from April 5, 2010.

13           7.     The last payment to the Bank was received on or about October 20, 2008 and was  
14 applied to the payment due on September 10, 2008. Therefore, the loan is due for the October  
15 10, 2008 payment which means the loan was 542 days past due as of April 5, 2010.  
16

17           8.     The Bank recorded a notice of default on January 22, 2009 as Document No.  
18 2009-0000474-00 (see Exhibit "C").

19           9.     Second trust deed holder, the U.S. Small Business Administration filed a proof of  
20 claim in the amount of \$569,277.66.

21           10.    According to the Amador County Tax Collector, as of April 5, 2010 the debtor  
22 owed \$30,579.40 in delinquent real property taxes.  
23

24           11.    The Bank values the Property at \$610,000.00 based upon the appraisal performed  
25 by Richard Van Steenkiste, Ph.D, MAI of Landmark Realty Analysts, Inc. (see Van Steenkiste  
26 declaration).

27           WHEREFORE, Pacific State Bank requests an Order:  
28

1           1.       For modification of this Court's automatic stay to permit moving party, its  
2 agents, assigns, trustees, employees and successors-in-interest to (a) conclude the foreclosure  
3 proceedings of the interest of the debtor in the Property by recording, publishing and posting a  
4 notice of trustee's sale, and (b) obtain possession of the Property pursuant to non-bankruptcy  
5 law; and  
6

7           2 .       For such other and further relief as the court may deem necessary and advisable.  
8

9 DATED: April 8, 2010  
10

JAMES E. GANZER  
GANZER & WILLIAMS  
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By: /s/ JAMES E. GANZER  
Attorneys for Secured Creditor,  
PACIFIC STATE BANK  
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